

## Message Text

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ACTION SCI-06

INFO OCT-01 EA-11 ADP-00 AID-20 CEQ-02 CIAE-00 COA-02

COME-00 DODE-00 EB-11 EPA-04 INR-10 IO-13 L-03 NSF-04

NSC-10 NSAE-00 PM-07 RSC-01 SS-15 INT-08 HEW-08 H-03

AGR-20 TRSE-00 OMB-01 RSR-01 /161 W

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R 160750Z AUG 73

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 6069

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E.O. 11652: N/

TAGS: BFOL, JA

SUBJECT: JAPANESE LEGISLATION ON EXAMINATION OF CHEMICAL  
SUBSTANCES AND CONTROL OF MANUFACTURE, IMPORT, AND USE

### SUMMARY:

JAPANESE DIET LOWER HOUSE STILL HAS BILL REGARDING  
EXAMINATION OF CHEMICAL SUBSTANCES, AND CONTROL OF  
MANUFACTURE, IMPORT, AND USE THEREOF UNDER CONSIDERATION  
AS ENVIRONMENTAL CONTROL MEASURE. UPPER HOUSE HAS  
ALREADY PASSED BILL AND MITI PREDICTS BILL WILL BE  
APPROVED IN FINAL FORM IN SEPTEMBER. SCHEDULE OF  
REQUIREMENTS TO MEET PROVISIONS OF NEW LAW IS OUTLINED  
HEREIN. FULL TRANSLATION BILL NOW BEING PREPARED BY GOJ  
AND WILL BE TRANSMITTED ON RECEIPT.  
END SUMMARY

1. NEW CHEMICAL SUBSTANCES LAW WAS PREPARED BY MITI  
TO PROTECT CONSUMERS FROM POLLUTION CAUSED BY  
TOXIC CHEMICAL SUBSTANCES SUCH AS PCB AND  
METHYL MERCURY. ACCORDING TO MITI JAPANESE PROPOSED  
LAW IS SIMILAR TO TOXIC SUBSTANCES CONTROL BILL  
PRESENTLY BEING CONSIDERED BY U.S. CONGRESS. JAPANESE  
BILL PASSED HOUSE OF COUNCILOORS JUNE 22, 1973 AND  
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WAS REFERRED TO HOUSE OF REPRESENTATIVES JULY 11.

DIET DISCUSSIONS HAVE BEEN SUSPENDED FOR PAST THREE WEEKS LEAVING ALL PROPOSED BILLS PENDING.

2. MITI NOW PREDICTS THAT BILL WILL GET THROUGH HOUSE OF REPRESENTATIVES LATE AUGUST OR EARLY SEPTEMBER, AND WILL BE PROMULGATED (I.E., OFFICIALLY ANNOUNCED) IN MID OR LATE SEPTEMBER. ORIGINALLY BILL WAS SCHEDULED TO PASS THE DIET JULY 25 AND BE PROMULGATED AUGUST 15.

3. SIX MONTHS AFTER DATE OF PROMULGATION, THIS LAW WOULD GO INTO EFFECT. WITHIN THREE MONTHS AFTER THE DATE OF PROMULGATION, MITI WILL PUBLISH IN OFFICIAL GAZETTE PRELIMINARY LIST OF "EXISTING CHEMICAL SUBSTANCES," WHICH WILL BE COMPILED ON BASIS OF REPORTS FROM DOMESTIC MANUFACTURERS AND IMPORTERS. TERM "EXISTING CHEMICAL SUBSTANCES" MEANS THOSE WHICH HAVE BEEN CONSISTENTLY MANUFACTURED IN JAPAN OR IMPORTED INTO JAPAN DURING YEAR PREVIOUS TO DATE OF PROMULGATION WITH EXCEPTION OF REAGENTS AND SUBSTANCES MANUFACTURED OR IMPORTED FOR TEST OR RESEARCH PURPOSES.

4. ANYONE WHO WISHES MITI TO CORRECT, ADD, OR DELETE ITEMS ON PRELIMINARY LIST MAY DO SO BY WRITING MITI WITHIN ONE MONTH AFTER DATE PUBLICATION OF PRELIMINARY LIST. MITI WILL ANNOUNCE FINAL LIST OF "EXISTING CHEMICAL SUBSTANCES" ONE MONTH BEFORE LAW GOES INTO EFFECT.

5. IN ORDER TO MAKE OUT PRELIMINARY LIST, MITI HAS ASKED THE 40 TO 50 LOCAL ASSOCIATIONS OF CHEMICAL SUBSTANCE MANUFACTURERS AND IMPORTERS TO SEND QUESTIONNAIRES TO RESPECTIVE MEMBER FIRMS. FOR IMPORTED CHEMICAL SUBSTANCES, JAPAN CHEMICAL IMPORTERS ASSOCIATION, TORANOMON BLDG., 15 SHIBA TORANOMON, MINATO-KU, TOKYO, HAS ASSUMED THIS WORK AND PLANS TO COLLECT ALL QUESTIONNAIRES FROM ITS MEMBER FIRMS BY SEPTEMBER 14. EACH IMPORTER IS REQUESTED TO ENTER FOLLOWING ITEMS INTO QUESTIONNAIRE: NAME OF IMPORTER, TELEPHONE  
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NUMBER, NAME OF PERSON IN CHARGE, CHEMICAL NAME AND TRADE NAME OF CHEMICAL SUBSTANCE BEING IMPORTED, SITC AND BTN NUMBERS, STRUCTURAL FORMULA, SPECIAL CHARACTERISTICS, COMPOSITION, MAJOR USES, NAMES OF COMPETITIVE PRODUCTS, YEAR IMPORTS STARTED, ACTUAL IMPORTS FOR 1972 AND ESTIMATED IMPORTS FOR 1973.

6. ANY CHEMICAL SUBSTANCE NOT INCLUDED IN MITI FINAL

LIST OF EXISTING CHEMICAL SUBSTANCES WILL BE TREATED AS NEW CHEMICAL SUBSTANCES AND WOULD BE SUBJECT TO TOXICITY TESTS AT EXPENSE OF MANUFACTURER OR IMPORTER, MANUFACTURE OR IMPORT OF ANY NEW CHEMICAL SUBSTANCE WILL BE PROHIBITED UNTIL TIME WHEN SAFETY THEREOF IS DETERMINED BY TESTING. ANY NEW CHEMICAL SUBSTANCE CONSIDERED AS HARMFUL WILL BE PLACED ON LIST OF "SPECIAL CHEMICAL SUBSTANCES." TERM "SPECIAL CHEMICAL SUBSTANCE" REFERS IN THIS LAW TO THOSE WHICH ARE INDISSOLUBLE AND EASILY ACCUMULATE IN HUMAN BODIES, AND HAVE CHRONIC TOXICITY.

7. CHEMICAL SUBSTANCES INCLUDED IN FINAL MITI "EXISTING CHEMICAL SUBSTANCES" LIST WILL BE TESTED AS NECESSARY AT GOVERNMENT'S EXPENSE. "EXISTING CHEMICAL SUBSTANCES" OTHER THAN "SPECIAL CHEMICAL SUBSTANCES" MAY BE MANUFACTURED OR IMPORTED FREELY.

8. EVENTUAL AIM OF THIS LAW IS TO PUBLISH LIST OF "SPECIAL CHEMICAL SUBSTANCES" IN FORM OF CABINET ORDER. AFTER PUBLICATION, ANYONE WHO WISHES TO MANUFACTURE OR IMPORT ANY "SPECIAL CHEMICAL SUBSTANCE" WILL HAVE TO OBTAIN GOJ APPROVAL ON CASE BY CASE BASIS. USES OF "SPECIAL CHEMICAL SUBSTANCES" WILL BE RESTRICTED OR PROHIBITED.

9. CHEMICAL SUBSTANCES EXCLUDED FROM NEW LAW ARE THOSE USED FOR FOODS, FOOD ADDITIVES, PACKAGING MATERIALS, TOYS, DETERGENTS, AGRICULTURAL CHEMICALS, FERTILIZERS, MEDICINES, QUASI-MEDICINES, COSMETICS, AND MEDICAL EQUIPMENT. THESE ITEMS ARE CONTROLLED ALREADY BY THE GOVERNMENT UNDER SEPARATE REGULATIONS. MITI ESTIMATES THERE ARE 5,000 "EXISTING CHEMICAL SUBSTANCES"

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BEING MANUFACTURED IN JAPAN IN ADDITION TO ABOUT 2,000 BEING IMPORTED.

10. ENGLISH TRANSLATION OF CHEMICAL SUBSTANCE LAW BEING PREPARED BY MITI. THE EMBASSY WILL FORWARD IT TO WASHINGTON UPON RECEIPT FROM MITI.  
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